

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In re:

Eric Mathis
Cody Mathis

Chapter 7
Case Number 19-45744
Honorable Maria L. Oxholm

Debtors

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY
AND ENTRY OF ORDER WAIVING THE PROVISION OF FED. R. BANKR.P. 4001(a)(3)**

NOW COMES Movant U.S. Bank National Association, by and through its attorneys, Orlans PC, and shows unto this Honorable Court as follows:

1. That Movant is the holder of a mortgage on real property owned by the Debtors and located at 1413 Linval Street, Lansing, MI 48910 (the following documents are attached; Mortgage, Assignment and Note)
2. Movant is an entity entitled to enforce the Note and commence foreclosure proceedings against the Property.
3. That the Debtors filed a Chapter 7 Bankruptcy case on April 15, 2019.
4. That pursuant to the Statement of Intentions, the Debtors are surrendering the property to the Movant.
5. That pursuant to 11 U.S.C. § 362(d)(1), upon request of a party in interest, the court shall grant relief from stay for cause, including lack of adequate protection of an interest in property of such party in interest.
6. That as of April 23, 2019, said mortgage loan is delinquent and owing for January 1, 2019 in the total amount of \$1,875.14.
7. That as of April 23, 2019, the total debt owing to Movant is approximately \$38,808.94 plus reasonable attorney fees.
8. That the total debt owing on the property is approximately \$38,808.94.
9. That the approximate value of the subject property pursuant to Debtor's Schedule D is \$67,000.00.
10. That the Debtors' intention to surrender the property to Movant, account delinquency and the fact that the property is not necessary for an effective reorganization constitute cause for relief from the automatic stay.

11. That upon information and belief of Movant, no other persons or entities have an interest in the Property.
12. That pursuant to Local Bankruptcy rule 9014-1(b)(4) attached is a copy of the proposed Order Granting Relief from the Automatic Stay labeled as Exhibit "A".
13. That Movant requests the entry of the order granting relief from the automatic stay shall be effective immediately upon entry, notwithstanding the provisions of Fed. R. Bankr.P. 4001(a)(3).
14. That concurrence was sought, but not received prior to the filing of this motion.

WHEREFORE, Movant respectfully requests that this Court enter an Order Granting Relief from the Automatic Stay pursuant to 11 U.S.C. § 362(d) so that it, and its successors and assigns may exercise its rights to pursue its state court remedies with respect to its interest in the subject property, and the entry of the order shall be effective immediately upon entry, notwithstanding the provisions of Fed. R. Bankr.P. 4001(a)(3), and whatever other relief the Court deems just and equitable.

Date: May 13, 2019

Respectfully Submitted,

/s/ Heather D. McGivern
Craig B. Rule, Esq. P67005
Elizabeth M. Abood-Carroll, Esq. P46304
Heather D. McGivern, Esq. P59393
Ryan J. Byrd, Esq. P75906
Orlans PC
Attorney for U.S. Bank National Association
P.O. Box 5041
Troy, MI 48007
(248) 502-1400
Email: crule@orlans.com
eabood-carroll@orlans.com
hmcgivern@orlans.com
rbyrd@orlans.com
File Number: 19-004315